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UNITED NATIONS CONFERENCE ON STRADDLING
FISH STOCKS AND HIGHLY MIGRATORY
FISH STOCKS
New York, 12-30 July 1993
Agenda item 6*

ORGANIZATION OF WORK

List of issues

(Submitted by the delegation of Japan)

I. GENERAL COMMENTS ON CONSERVATION AND MANAGEMENT OF STRADDLING STOCKS AND HIGHLY MIGRATORY SPECIES

1. The living resources of the high seas, including straddling stocks and highly migratory species, should be utilized for the interest of mankind. Measures for their conservation should be taken for the benefit of all States concerned and be based on scientific information in a context that ensures the objective of optimum utilization.

2. It is in the common interest, both of the fishing States and the coastal States, to ensure the conservation of straddling stocks and highly migratory species. The basic idea contained in present customary international law as well as the United Nations Convention on the Law of the Sea is that a fair balance must be maintained between the duties and rights of coastal States and those of fishing States, and conservation measures should be based on scientific information and be considered in a context that ensures the objective of optimum utilization of the living resources within and beyond the 200-nautical-mile zone in its entirety. The relevant provisions of the Convention do not stipulate the special interests or preferential rights of the coastal States in this respect. These conservation measures in areas beyond and adjacent to the 200-nautical-mile zone should not be taken unilaterally by the coastal States but are to be ensured by the cooperation of all States concerned. Conservation measures taken within the exclusive economic zone and those of such measures as applied to its adjacent high-seas area should be assessed on an equal basis, ensuring that both measures are complementary to each other.

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3. Since the Law of the Sea Convention is a valuable instrument establishing a globally acceptable regime for the management of the living resources, the effort to promote effective conservation and management should be continued within the framework of the Convention.

4. The achievements and the efforts made by regional fishery organizations which take the conservation measures based on the individual situation of the region should be fully recognized.

II. COMMENTS ON ISSUES TO BE DISCUSSED AT THE UPCOMING UNITED NATIONS CONFERENCE

5. The main purpose of the upcoming United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks mandated by Agenda 21 of the United Nations Conference on Environment and Development (UNCED) is to promote effective implementation of the relevant provisions of the United Nations Convention on the Law of the Sea. The mandate of the Conference clearly states that its work and results should be consistent fully with the provisions of the Convention.

6. According to this principle, the outcome of the Conference should:

(1) Be of a non-binding nature, such as in the form of recommendations or guidelines;

(2) Be in full accordance with the relevant provisions of the United Nations Convention on the Law of the Sea and ensure the effective implementation of the contents of the Convention;

(3) Fully take into account the long experience in management of living resources of present international fishery organizations, such as the International Commission for the Conservation of Atlantic Tunas (ICCAT) and the Northwest Atlantic Fisheries Organization (NAFO);

(4) Be based on the concept of cooperation among all countries concerned, including fishing and coastal States, on an equal basis. Any idea of preferential rights of coastal States with respect to the management of living resources beyond their 200-nautical-mile zones should not be introduced;

(5) Be acceptable and feasible for all States concerned. To this end, they are to be adopted by consensus.

7. In case that concrete measures be discussed at the Conference, the following points should be taken into account:

(1) Consistency of measures taken within and beyond the 200-nautical-mile zones. These measures should be complementary to each other, taking scientific evidence into account;

(2) Regional management scheme with the participation on an equal-footing basis of all concerned fishing and coastal States;

(3) Cooperation between fishing States and coastal States with respect to scientific research and handling of data so as to collect and accumulate scientific information for the conservation of living resources, and recognition of the need for the provision of information by coastal States as well as fishing States for consistent management both within and beyond the 200-nautical-mile zones;

(4) Introduction of a cooperative scheme under an appropriate regional fisheries organization to complement enforcement by the flag State;

(5) Promotion of a monitoring system of vessel operations by satellite to improve the transparency of fishing activities;

(6) Cooperation of all States concerned to encourage non-parties to join a regional fisheries organization, and to discourage the non-parties' unregulated fishing activities;

(7) Existing procedures for dispute settlement, such as those provided by the Convention on Conservation of Antarctic Marine Living Resources (CCAMLR);

(8) Enhancement of assistance to developing countries in terms of transfer of technology for scientific research, handling of data and responsible fishing operations.

8. The FAO Technical Meeting on High Seas Fisheries in September 1992 discussed the technical problems of high-seas fisheries operations and prepared a report to submit to the United Nations. A substantial contribution from FAO is expected.